

House File 2344 - Introduced

HOUSE FILE _____
BY BOAL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the regulation of pet cemeteries, including
2 the notification of persons when a pet cemetery is closed, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6185YH 82
6 da/nh/14

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1 1 Section 1. NEW SECTION. 523J.1 SHORT TITLE.
1 2 This chapter shall be known and may be cited as the "Iowa
1 3 Pet Cemetery Act".
1 4 Sec. 2. NEW SECTION. 523J.2 DEFINITIONS.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Commissioner" means the commissioner of insurance or
1 8 the commissioner's designee.
1 9 2. "Interment rights" means the rights to place the
1 10 remains of a pet in a specific location for use as a final
1 11 resting place or memorial.
1 12 3. a. "Pet" means an animal which is limited to a dog,
1 13 cat, or an animal normally maintained in a small tank or cage
1 14 in or near a residence, including but not limited to a rabbit,
1 15 gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical
1 16 fish, goldfish, snake, turtle, gecko, or iguana.
1 17 b. "Pet" does not include an agricultural animal as
1 18 defined in section 717A.1.
1 19 4. a. "Pet cemetery" means any area dedicated to the
1 20 interment of pets.
1 21 b. "Pet cemetery" does not include any of the following:
1 22 (1) A disposal plant regulated by the department of
1 23 agriculture and land stewardship pursuant to chapter 167.
1 24 (2) A sanitary landfill regulated by the department of
1 25 natural resources pursuant to chapter 455B.
1 26 5. "Pet cemetery operator" or "operator" means a person
1 27 who owns or operates a pet cemetery or has control of pet
1 28 cemetery property, if the person conveys interment rights to a
1 29 member of the public or a segment of the public in return for
1 30 monetary compensation.
1 31 6. "Pet cemetery registry" means the registry established
1 32 pursuant to section 523J.3.
1 33 7. "Remains" means the body of a deceased pet or a body
1 34 part or limb that has been removed from a living pet,
1 35 including a body, body part, or limb in any stage of
2 1 decomposition, or cremated remains.
2 2 Sec. 3. NEW SECTION. 523J.3 PET CEMETERY REGISTRY.
2 3 1. The commissioner shall establish and maintain a pet
2 4 cemetery registry of all pet cemeteries which are under the
2 5 control of a pet cemetery operator. The registry shall be a
2 6 record of all pet cemeteries that are doing business in this
2 7 state.
2 8 2. A pet cemetery operator shall register information with
2 9 the commissioner regarding each pet cemetery under the
2 10 operator's control. The operator shall register all
2 11 information required by the commissioner, which may include
2 12 the following:
2 13 a. The name, address, and telephone number of the
2 14 operator.
2 15 b. The name and address of the pet cemetery.
2 16 c. A name, address, and telephone number of a trustee to
2 17 contact in case of closure as provided in section 523J.4.
2 18 Sec. 4. NEW SECTION. 523J.4 PET CEMETERY CLOSURE.
2 19 1. A pet cemetery is closed when its pet cemetery operator

2 20 no longer offers to convey interment rights.
2 21 2. Within thirty days after the date of a pet cemetery's
2 22 closure, the pet cemetery operator shall do all of the
2 23 following:
2 24 a. Notify the commissioner.
2 25 b. Notify each person who was conveyed interment rights.
2 26 3. The pet cemetery operator shall provide for a pet
2 27 cemetery trustee who shall have all legal powers necessary to
2 28 assist a person who was conveyed interment rights to recover
2 29 the remains of their pet. The pet cemetery trustee shall be
2 30 deemed to hold a fiduciary duty for the benefit of a person
2 31 who was conveyed the interment right. The person may seek
2 32 injunctive relief in district court to obtain necessary entry
2 33 into the pet cemetery to recover the remains of their pet.

2 34 Sec. 5. NEW SECTION. 523J.5 PENALTIES.
2 35 A person who violates a provision of this chapter or rules
3 1 adopted or orders issued by the commissioner under this
3 2 chapter is subject to a civil penalty of not more than one
3 3 thousand dollars for each offense. For the purposes of
3 4 computing the amount of each civil penalty, each day of a
3 5 continuing violation constitutes a separate violation. All
3 6 civil penalties collected pursuant to this section shall be
3 7 deposited in the general fund of the state.

3 8 EXPLANATION

3 9 This bill establishes a new Code chapter entitled the "Iowa
3 10 Pet Cemetery Act". The bill provides for regulation of pet
3 11 cemeteries by the commissioner of insurance. It applies to
3 12 those areas dedicated to the interment of certain animals for
3 13 monetary compensation paid to a pet cemetery operator. A pet
3 14 is defined to include dogs, cats, or other animals normally
3 15 maintained in a small tank or cage in or near a residence. It
3 16 does not include agricultural animals. A pet cemetery does
3 17 not apply to businesses associated with rendering dead animals
3 18 or sanitary landfills.

3 19 The bill requires the commissioner of insurance to
3 20 establish and maintain a pet cemetery registry of all pet
3 21 cemeteries that are doing business in this state. The bill
3 22 also provides that within 30 days after a pet cemetery is not
3 23 doing business in this state, the person responsible for
3 24 operating the pet cemetery must notify the commissioner of
3 25 insurance and each person who purchased a right to inter their
3 26 animal there. The operator must also provide for a trustee
3 27 responsible for assisting those persons in recovering the
3 28 remains of their pets. A person may seek injunctive relief in
3 29 district court to obtain necessary entry into the pet
3 30 cemetery.

3 31 The bill provides that a person who violates a provision of
3 32 the bill is subject to a civil penalty of not more than \$1,000
3 33 for each offense.

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